

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

KIMBERLY A. GOSNELL,

Plaintiff,

v.

Case No. 8:22-cv-2510-WFJ-JSS

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

ORDER


This cause comes before the Court on Defendant Commissioner of the Social Security's ("Commissioner") unopposed motion to enter a judgment in Plaintiff's favor with reversal and remand pursuant to sentence four of 42 U.S.C. § 405(g) (Dkt. 19), and the report filed by United States Magistrate Judge Sneed recommending that the decision of the Commissioner be reversed, and the matter remanded, for further administrative proceedings (Dkt. 20). The Commissioner asserts that on remand, the Appeals Council should instruct the Administrative Law Judge:

[T]o (1) reconsider the persuasiveness of the medical opinion evidence under 20 C.F.R. § 404.1520, including the factors of consistency and supportability, (2) further consider Plaintiff's residual function, (3) if necessary, consult with a vocational expert, (4) take any steps needed to update the administrative record, and (5) issue a new decision.

No objections have been filed to the Report and Recommendation, and the time for doing so has passed. The Court agrees with the magistrate judge and orders as follows:

1. The Report and Recommendation (Dkt. 20) is adopted and confirmed in all respects and made a part of this Order.
2. The Commissioner's Unopposed Motion for Entry of Judgment with Reversal and Remand (Dkt. 19) is granted.
3. The Commissioner's decision denying Plaintiff's application for disability insurance benefits is reversed.
4. This case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) to the Commissioner for further administrative proceedings consistent with the reasons stated in the Commissioner's motion and as set forth in the Report and Recommendation and this Order.
5. The Clerk is directed to enter final judgment for Plaintiff, terminate all pending motions, and close the case.

DONE AND ORDERED at Tampa, Florida, on July 29, 2023.



WILLIAM F. JUNG
UNITED STATES DISTRICT JUDGE

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Counsel of record